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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/173,858 10/16/98 MELTZER

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WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

EXAMINER

HUYNH, C.

ART UNIT

PAPER NUMBER

2176

DATE MAILED:

10/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application N .

09/173,858

Applicant(s)

MELTZER ET AL

Examiner

Cong-Lac Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 1998.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6. 6) ☐ Other: _____

DETAILED ACTION

Specification

1. It is requested to update the status of the cross-references on page 1.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-34, 36, 39-71 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 4, 8-19, 26-29, 32-40, 42-46 of U.S. Patent No. 6,226,675 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the invention and the claims in the reference 6,226,675 disclose the same subject matters as follows: a method and an apparatus for executing transactions among nodes in a network including a plurality of nodes which execute processes involved in the transactions.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 61, 17, 18, 39, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh et al. (US Pat No. 6,012,098, 1/4/00, filed 2/23/98).

Regarding independent claim 61, Bayeh discloses a network system for isolating retrieving data:

- defining the format of the first data stream in Extensible Markup Language (XML) and a format of the second data stream to return to the client request in HTML (figure 5, col 4, lines 23-47)

Bayeh does not explicitly disclose providing interpretation information for the logical structures to the node. However, since XML and HTML formats, by themselves, are hierarchical structures for formatting a document, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Bayeh to include the logical structures into these types of document formats where the hierarchy shows the logic of a document.

Also, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Bayeh for providing the format of the retrieved data of the input document since the first data stream in Bayeh is used as an input data

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to be transformed to another format, and for providing the format of second data stream, transformed from the first data stream, as data of the output document since the second data stream is presented to users as an output.

Regarding claim 72, which is dependent on claim 61, Bayeh discloses:

- parsing the XML data stream (as input document) (figure 5, step 300), and
- creating HTML data stream (figure 5, step 310)

Bayeh does not disclose providing event listener programs which response to the event signals generated by the parser in response to logical structures of the input document. However, since Bayeh has the ability to parse a data stream, which is equivalent to a document, and to create another type for the data stream, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have realized that Bayeh system includes a parser for said parsing function and for recognizing the logical structures in said data stream to generate a correspondent structure for a HTML data stream. The fact that the parsing process (step 300) and the creating process (step 310) are executed implies that the system responds to event signals in response to logical structures of the input data stream to create the output structures. In other words, the system may include a program as an event listener program for performing such a function.

Claims 1, 17 and 39 are for an interface and apparatus for the method claim 61, and are rejected under the same rationale.

Regarding claim 18, which is dependent on claim 17, as mentioned in claim 17, the XML format has logical structures, and it would be obvious that said logical structures are stored in memory as data and data information to use for translating to a correspondent HTML format (figure 5).

6. Claims 35, 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meltzer et al. (US Pat No. 6,226,675 B1, 5/1/01, filed 10/16/98) as applied to claim 18 above, and further in view of Sellers et al. (US Pat No. 5,311,438, 5/10/94).

Regarding dependent claims 35, 37-38, Meltzer discloses the limitations of their independent claim 8, but does not disclose that the repository includes:

- information specifying cost of product subject of transactions
- information specifying financial terms of transactions
- information specifying terms of shipment for product subject of transactions

Sellers discloses:

- information specifying cost of product subject of transactions (figure 70, the purchased item receipt and customer return receipt show the cost of the product purchased; figure 74, the product order list also shows the cost of products for customers to order)

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- information specifying financial terms of transactions (figure 70, the receipts shows the amount of purchase as well as the amount when a product is returned, which are financial terms of transactions)
- information specifying terms of shipment for product subject of transactions (figures 71-73 show shipment terms such as shipment list, scheduled carrier shipment, pick list, report shipment)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Sellers to Meltzer to enhance and facilitate the method of making transactions over the network to serve a plurality of customers purchasing products by order by linking related databases of product costs, financial terms and shipments as in Sellers.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Murata (US Pat No. 5,915,259, 6/22/99, filed 3/20/96) teaches a document schema transformation by patterns and contextual conditions.

Kyojima et al. (US Pat No. 5,920,879, 6/6/99, filed 5/14/97) teaches a document structure conversion apparatus.

Sato et al. (US Pat No. 6,014,680, 1/11/00, filed 8/29/96) teaches a method and apparatus for generating structured document.

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Meltzer et al. (US Pat No.6,125,391, 9/26/00, filed 10/16/98) teaches market markers using documents for commerce in trading partner networks.

Friedman (US Pat No. 6,182,029 B1, 1/30/01, filed 8/6/99) teaches a system and method for language extractor and encoding utilizing the parsing of text data in accordance with domain parameters.

Garg (US Pat No. 6,009,407, 12/28/99, filed 2/27/98) teaches an integrated marketing and operations decisions-making under multi-brand competition.

Reilly (US Pat No. 5,842,193, 11/24/98, filed 2/6/98) teaches a knowledge based planning and analysis.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-9731 for regular communications and 707-305-9731 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.


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9/19/01


STEPHEN S. HONG
PRIMARY EXAMINER